

### REMARKS

Reconsideration of the instant application is respectfully requested. The present submission is responsive to the Office Action of December 28, 2004, in which claims 1-3, 6-21 and 23 are presently pending. Of those, claims 2, 3, 13, 14, 16, 19-21 and 23 have been withdrawn from consideration as being directed to non-elected species. Of the remaining claims under consideration, claims 1, 8-10, 15, 17 and 18 remain rejected under 35 U.S.C. §102(b), as being anticipated by U.S. Patent 6,013,557 to Wu, et al. In addition, claims 6, 7, 11 and 12 stand rejected under 35 U.S.C. §103(a), as being unpatentable over Wu, in view of U.S. Patent 6,335,262 to Crowder, et al., or in view of U.S. Patent 6,143,669 to Cho. For the following reasons, however, it is respectfully submitted that the application is now in condition for allowance.

A copy of the claims, as currently pending in their present form, is attached herein for reference purposes.

As an initial matter, the Applicants note that the Amendment After Final (filed on October 20, 2004) was not entered by the Examiner, as pointed out in the Advisory Action mailed October 28, 2004, because the amendment to claims 1, 9, 10 and 15 "raise new issues that would require further consideration and/or search." Yet, in the present action following the Request for Continued Examination, the pending claims have been rejected on the same reference (Wu) for substantially the same reasons prior to the amendment to claims 1, 9, 10 and 15. Moreover, the present action does not appear to address the Applicants' previously submitted argument that the independent claims, as currently written, require "depositing an oxide material..."

The Applicants continue to maintain that the Wu reference does not teach or disclose the deposition of an oxide material on a substrate to achieve the first and second thicknesses, as is presently claimed. Instead, each embodiment of the Wu patent utilizes

a rapid thermal anneal to oxidize the silicon. See, for example, column 4, lines 23-27; column 5, lines 5-8, lines 24-26, lines 46-48, lines 61-63; column 6, lines 35-37; column 7, lines 30-32.

In the Final Office Action of September 7, 2004 (as well as in a telephone interview between the undersigned and the Examiner on October 19, 2004), the Examiner took the position that "oxidation" and "deposition" are separate processes. In fact, this distinction served as the basis for a previous §112, first paragraph rejection, as the Examiner stated that "...it appears the specification shows using either oxidation or deposition method but not both...". However, for purposes of examination of the claims as currently presented, the Examiner has now essentially equated the two terms. Specifically, it is stated on page 3, lines 6-8 of the present Office Action that (Wu teaches):

"...forming (oxidation/deposition, i.e., oxidizing the substrate to deposit the oxide on the substrate) an oxide material 42/44 on the semiconductor substrate..."

As previously pointed out, however, the present claims are more specific than reciting "forming" an oxide material; specifically, they recite "...depositing an oxide material..." (emphasis added).


Therefore, because Wu does not teach or suggest depositing an oxide material on a substrate to achieve the first and second thicknesses, Wu does not anticipate the claims, and thus the Applicants traverse the §102 based thereupon. For the same reasons, the additional §103 rejections to claims 6, 7, 11 and 12 have also been overcome, and should also be withdrawn.

For the above stated reasons, it is respectfully submitted that the present application is now in condition for allowance. No new matter has been entered and no additional fees are believed to be required. However, if any fees are due with respect to this Amendment, please charge them to Deposit Account No. 06-1130 maintained by Applicants' attorneys.

Respectfully submitted,  
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